

REMARKS

This is in response to the Office Action dated April 25, 2003. After entry of this Amendment, claims 1-7 remain pending in the application. Claims 1, 2, and 4 have been amended. Reconsideration of the application as amended is requested.

The drawings stand objected to because Figs. 5 and 6 are not clear to the Examiner. The Examiner states that Fig. 5 shows element numbers 48 and 74 appear to be the same component. Reference number 74 has been replaced by reference numeral 48 in Figs. 4, 5 and 6. The specification has been amended to refer to the permanent magnet as reference number 48 consistently throughout.

The drawings stand rejected based on 37 C.F.R. § 1.84(p)(5) because there is no reference number in page 6, line 3 for the worm gear. The specification on page 6, beginning in line 3 states that the worm gear and the output shaft are not shown in Fig. 5 because neither are required for understanding of the invention. Therefore, neither the reference numbers nor the parts appear on the drawing.

The Examiner states that the drawings are objected to under 37 C.F.R. § 1.83(a) because in claim 1, a windshield wiper park position is recited, but there is not a windshield wiper shown in the drawings. The Examiner states that a windshield wiper must be shown or the feature cancelled from the claims. MPEP 601.01(f) states that 35 U.S.C. § 113 provides that an Applicant(s) shall furnish a drawing where necessary for the understanding of the subject matter as thought to be patented. Applicants' attorney submits that showing a windshield wiper in the drawings is not necessary for the understanding of the subject matter claimed in the present invention. Windshield wipers are well-known in the industry as well as by anyone who drives a motor vehicle. One skilled in the art understands that a windshield wiper has a park position which is typically in the lower portion of the front windshield when not being actuated by a drive motor.

Claim 1 stands objected to because of several informalities. Claim 1 has been amended to more particularly point out the claimed invention. The Examiner objects to the specification because of several informalities. Reference number 15 has been added to paragraph 1 on page 5. The passage referring to

reference number 42 in paragraph 6 on page 5 has been clarified to recite that gear 40 is mounted on an output shaft 42. Reference number 50 referring to the spindle on page 7, line 22 has been changed to reference number 30. "The switch trigger cam 64" in line 30 of page 7 has been amended to read "the switch trigger cam 54".

Reconsideration of the Examiner's objections to the specification is requested.

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner objects to the terms "adapted to" in claim 1 and "the interengaging member" in claim 7. Claims 1 and 7 have been amended to more particularly point out and distinctly claim the subject matter in accordance with the Examiner's request. Reconsideration is respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Weber et al. Weber et al. is no longer valid as a prior art reference, because the inventors of the present invention have submitted a declaration under 35 U.S.C. § 131 swearing behind the reference date of March 16, 2000. The declaration is operable for removing the Weber et al. as a prior art reference. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

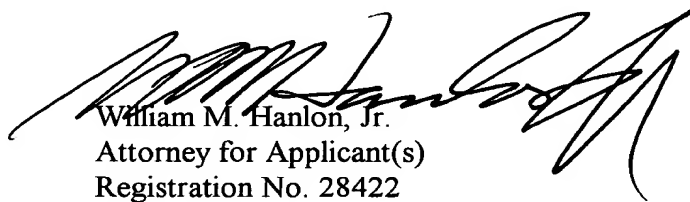
The Examiner states that claims 4-7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. Claim 4 has been amended and placed in independent form as the Examiner has requested. Further favorable action is requested.

It is respectfully submitted that this Amendment overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of further communication, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE, WOOD
& HELMHOLDT, P.C.

A handwritten signature in black ink, appearing to read 'William M. Hanlon, Jr.', is written over the typed name and title.

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Dated: July 25, 2003
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